

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

WILLIE HOPKINS,	)	CASE NO. 1: 09 CV 387
	)	
Petitioner,	)	
	)	JUDGE DONALD C. NUGENT
v.	)	
	)	
EDWARD BANKS, Warden,	)	MEMORANDUM OPINION
	)	AND ORDER
Respondent.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Benita Y. Pearson. The Report and Recommendation is ADOPTED by this Court (ECF # 14), and Petitioner's Motion to Vacate, Set Aside, or Correct the Sentence pursuant to 28 U.S.C. § 2254 is DENIED (ECF # 1).

The Report and Recommendation reflects that Petitioner is currently serving two concurrent five-year sentences imposed following his April 24, 2007 convictions, resulting from a trial by jury, on two counts of felonious assault with repeat violent offender and prior convictions specifications. (ECF # 14 at 1 (citation omitted).) Petitioner filed this motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 on February 19, 2009, raising two grounds for relief.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge Pearson for the preparation of a report and recommendation. On December 14, 2010, Magistrate Judge Pearson recommended that this Court deny the Petition. Petitioner has not filed any objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge Pearson's Report and Recommendation

to be well-written, well-supported, and correct. Therefore, the Report and Recommendation is ADOPTED in its entirety. (ECF # 14.) Petitioner's motion to vacate, set aside, or correct the sentence is DENIED. (ECF # 1.)

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: January 26, 2011